IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 12073 OF 2000

Date: 22.11.2005

BETWEEN:

Sri Amareswara Swami Temple, Amaravathi

Guntur District. rep. by its Executive Officer.

…. PETITIONER

And

Induri Hanimi Reddy, S/o. Balakoti

Reddy, R/o. Madala (v), Muppala (M),

Guntur District.

…. RESPONDENT

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 12073 OF 2000

ORDER:

Sri Amareswara Swami Temple, Amaravathi, assails the order of the Tenancy Appellate Tribunal-cum-Principal District Judge, Guntur, in I.A.No.2899 of 1999 dated 25.11.1999 in A.T.A.No.79 of 1999. The sole respondent filed A.T.C.No.16 of 1999 on the file of the Special Officer and Principal District Munisiff, Sattenapalli. He also filed I.A.No.1297 of 1999 under Order 39 Rule 1 and 2 of the Code of Civil Procedure, seeking temporary injunction restraining the petitioner from auctioning the leasehold rights of the schedule property, and not to interfere with his possession. The learned Special Officer by order dated 14.9.1999 allowed the petition filed by the sole respondent directing the petitioner herein not to interfere with the possession of the sole respondent either by auctioning the leasehold rights or otherwise, pending the main ATC. Aggrieved by the same the petitioner filed A.T.A.No.79 of 1999 before the Tenancy Appellate Tribunal. Along with the appeal, it filed an application being I.A.No.2899 of 1999 for stay of the order passed by the lower Court, which was rejected by the Appellate Tribunal by the impugned order dated 25.11.1999. Against which the present writ petition is filed.

In view of Section 82 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 the lease of land by a temple or a charitable institution stands cancelled from the date of coming into force of the said provision. However, a landless poor person, who is in occupation of the temple land, is entitled to continue in the lease on certain conditions subject to declaration by the Assistant Commissioner of Endowments, under the Relevant Rules. Therefore, any direction prohibiting the temple to auction the leasehold rights would be illegal and void, as Tenancy Tribunal constituted under A.P. (Andhra Area) Tenancy Act, 1956 has no jurisdiction in relation to Temple lands.

Therefore, this writ petition is disposed of declaring that the Tenancy Act has no application in relation to the lands owned by a Hindu Religious and Charitable Institution or a temple.

_____

(**V.V.S. RAO, J.)**

22nd November, 2005

Js.